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TO RUEHC/SECSTATE WASHDC IMMEDIATE 9500  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 3744  
RUEHSW/AMEMBASSY BERN PRIORITY 0276  
RUEHCP/AMEMBASSY COPENHAGEN PRIORITY 0296  
RUEHLO/AMEMBASSY LONDON PRIORITY 3435  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 8913  
RUEHBS/USEU BRUSSELS PRIORITY  
RUEHGV/USMISSION GENEVA PRIORITY 1052  
RHEFDIA/DIA WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1720  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
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C O N F I D E N T I A L KATHMANDU 002791

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TAGS: [PHUM](#) [PREL](#) [PGOV](#) [NP](#)

SUBJECT: LOOKING TOWARD SPRING 2006 UN HR MEETING IN GENEVA

Classified By: Ambassador James Moriarty. Reasons 1.4 (b/d).

#### Summary

11. (C) A group of representatives of countries donating to the Nepal Office of High Commissioner for Human Rights (OHCHR) met on December 9 to discuss strategy regarding Nepal for the Spring 2006 UN Commission on Human Rights (CHR) meeting in Geneva. The representatives agreed that while either an Item 9 or 19 resolution was possible, and neither could be ruled out at this time, the strategy should be to pursue an Item 19 resolution unless the situation changed dramatically. End summary.

#### Assumptions

12. (C) On December 9, Chris Sommer, from the Human Rights Policy Section of the Swiss Federal Department of Foreign Affairs, led a meeting with human rights officers from the Danish, UK, EU, and U.S. Embassies, plus OHCHR, to discuss strategy leading up to the Spring 2006 UN CHR Meeting in Geneva. Sommer noted two key factors that would influence the strategy. First, given the international push for the establishment of a new UN human rights council, he was uncertain if there would be a Spring UN CHR meeting in 2006. If the UN established a new human rights body, then it could be some time before a meeting on substance occurred. Nevertheless, he was working on the assumption that there would be a substantive meeting in the spring. Secondly, he noted that strategy would depend on continuing developments in Nepal.

#### Item 9 vs. 19

13. (C) The representatives agreed that while either an Item 9 or 19 resolution was possible, and neither could be ruled out at this time, the strategy should be to pursue an Item 19 resolution unless the situation deteriorated dramatically. They noted that an Item 9 resolution was an extreme step that could tie the hands of those wanting to encourage change. The government kicking OHCHR out of Nepal or a markedly

deteriorating situation on the ground likely would provoke an Item 9 resolution. The OHCHR representative cautioned that an Item 9 resolution would mean that OHCHR would have to pull out even if it wanted to continue working in Nepal. Other country representatives warned that, under their laws, they would have no choice but to close their assistance programs if there were an Item 9 resolution. Thus, the group agreed that working toward an Item 19 resolution was the better strategy at this time. OHCHR reminded the group that its activities in Nepal would be only part of the focus of the spring meeting and that other special rapporteur reports would also be discussed.

#### Serious Human Rights Issues Remain

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¶4. (C) The representatives agreed that the government of Nepal continued to have serious problems with impunity and accountability, and a lack of political will to do enough to change the situation. All expressed frustration that there were few ways to influence the government. All wanted to avoid threats (of an Item 9 resolution, for example), unless the international community was prepared to follow through and accept the consequences. The group suggested that benchmarks, or actions for the government to take, in an Item 19 context would leave room for continued engagement. All noted that INGOs and governments with representatives not at the meeting might have different interpretations and would play a critical role leading up to a spring meeting.

#### NHRC and OHCHR

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¶5. (C) In discussing the general human rights situation in Nepal, the group addressed the effectiveness and roles of the National Human Rights Commission (NHRC) and OHCHR. All generally agreed that there needed to be a national institution that dealt with human rights, but noted that NHRC could be better managed and more independent. After the OHCHR representative departed, the group analyzed OHCHR's operation. All credited Ian Martin for what he had done with the resources he had, but expressed frustration that OHCHR headquarters in Geneva was not getting people to the field fast enough. Donors also worried that OHCHR was not doing enough outreach or reporting of activities, but noted that OHCHR has said that reports would come following full staffing of the office, expected in January 2006.

#### Comment

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¶6. (C) Post agrees with the group's view that the best strategy in the run-up to the CHR is to set forth benchmarks in the framework of an Item 19 resolution.

MORIARTY